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8 SMITH'S FOOD & DRUG CENTERS, INC.

9 **UNITED STATES DISTRICT COURT**

10 **DISTRICT OF NEVADA**

11 ANNE CHU, individually,

CASE NO. 2:20-cv-00370- JAD-BNW

12 Plaintiff,

13 vs.

14 SMITH'S FOOD & DRUG CENTERS, INC.  
15 dba SMITH'S, a foreign corporation; DOES I-  
X, and ROE CORPORATIONS I-X, inclusive,

**ORDER VACATING TRIAL**

16 Defendants.

17 ECF No. 48

18 WHEREAS, on February 3, 2022, the Court entered an Amended Pretrial Order setting a  
19 Jury Trial for March 15, 2022. (ECF No. 48.)

20 WHEREAS, on January 31, 2022, the parties submitted a Stipulation and Order to Re-Open  
21 Discovery and Continue Trial Date. (ECF No. 44.) The stipulation was rejected as it was "not filed  
22 pursuant to LR IC 2-2(b)." (ECF No. 45.)

23 WHEREAS, on January 21, 2022, Plaintiff served her Fourteenth Supplement. The  
24 supplement contained medical records from a spinal surgery that Plaintiff underwent on December 2,  
25 2021, at Valley Hospital Medical Center. According to the records that were disclosed in the  
26 Fourteenth Supplement, Plaintiff underwent an Anterior Cervical Discectomy at C4-5 and Anterior  
27 Cervical Fusion at C5-6. Plaintiff has previously undergone cervical discectomy and fusion in 2019.

28 / / /

1 According to the supplement, the surgery has almost doubled Plaintiff's past medical  
2 expenses to \$435,053.16. With a trial date of March 15, 2022, there is not enough time to collect the  
3 medical records from the surgery, have expert witnesses review the additional records to revise their  
4 reports, or to take the deposition of the surgeon who performed the surgery, Jason Garber, M.D.

5 IT IS HEREBY STIPULATED AND AGREED by and between THOMAS W. STEWART,  
6 ESQ. of THE POWELL LAW FIRM, Attorneys for Plaintiff, ANNE CHU, and JERRY S. BUSBY,  
7 ESQ. and GREGORY A. KRAEMER, ESQ. of the law firm COOPER LEVENSON, P.A.,  
8 Attorneys for Defendant SMITH'S FOOD & DRUG CENTERS, INC. that the trial date of March  
9 15, 2022 and the Calendar Call of March 7, 2022 be vacated.

10 Respectfully submitted this 10th day of February, 2022.

11 THE POWELL LAW FIRM

COOPER LEVENSON P.A.

12 By: /s/ Thomas W. Stewart  
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20 ORDER

21 Based on the parties' stipulation [ECF No. 48], IT IS HEREBY ORDERED that the  
22 Amended Pretrial Order [ECF No. 46] is VACATED, along with the 3/15/2022 Jury Trial and  
23 the 3/7/2022 Calendar Call. For this case to get a new trial setting, the parties will need to file a  
24 Second Amended Proposed Joint Pretrial Order.

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27   
UNITED STATES DISTRICT COURT JUDGE  
28 February 11, 2022